

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Misty Winters,

Case No. 19-cv-3177 (SRN/KMM)

Plaintiff,

v.

ORDER

Joshua Winters, et al.,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Katherine M. Menendez, dated February 11, 2020. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Any claims in the Petition for Writ of Mandamus [Doc. No. 2] purportedly brought on behalf of Plaintiffs A.W., N.W., and G.W. are **DISMISSED** without prejudice.
2. The Petition's request that counsel be appointed for Plaintiff Misty Winters is **DENIED**.
3. To the extent the Petition is construed as a request for mandamus relief pursuant to the Mandamus Act, 28 U.S.C. § 1361, the Petition is **DENIED**.
4. To the extent the Petition is construed as a pleading intended to start a civil action, the Petition is **DISMISSED** without prejudice.

5. The Petition's request for an emergency injunction is **DENIED** as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: March 3, 2020

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge